



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,272	06/05/2001	Barry Appelman	06975-054001	6031
26171	7590	09/12/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/873,272		APPELMAN, BARRY	
	<b>Examiner</b>		<b>Art Unit</b>	
	Asad M. Nawaz		2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to the amendment filed on June 21, 2005. No claims were amended, added, or canceled. Claims 1-37 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman, WO 97138434 (Appelman hereafter) in view of Hurtado et al, 6,611,812 (Hurtado hereafter).

As per claim 1, Appelman teaches a method for improving performance by increasing available bandwidth in a network system that includes one or more requestor nodes (2', fig. 2; client), one or more provider nodes (4', fig. 2; web server) and one or more intermediate nodes (10', fig. 2; web proxy server) (abstract), the method comprising: determining the requested file stored by at least one provider node in the network system; looking up the file in an index of files (500; fig. 5; page 7, line 24 page 8, line 3; client sends request to server (via proxy server) to retrieve a file; after looking up the file, server sends the file to proxy server (inherent in the process of determining which is being requested file to send back to the proxy server)); and forwarding a previously compressed version of the requested file that has been stored at an intermediate node to requestor (page 6, lines 17-21). Appelman does not teach a digital

Art Unit: 2155

signature associated with a file stored by provider. It is well known in the art and is also disclosed by Hurtado to create a digital signature of a file by encrypting the content of the file (col. 16, lines 53-56). Hence, it would have been obvious to one of ordinary skill in the art to be motivated to use a digital signature to represent the encrypted representation of a file to ensure only authorized users can have access to the data thus preventing unauthorized manipulations or alterations of the data.

Claims 22 and 30 recite similar limitations to claim 1; therefore, they are rejected for similar reasons as claim 1 addressed above.

As per claims 2, 23 and 31, Appelman does not teach storing the digital signature in the index of signatures when the digital signature is not found in the index of signatures. However, it is well known in the art and would have been obvious to one of ordinary skill in the art to be motivated to update and store a new data (e.g., digital signature) in the database table when the data is not found after searches for future use and reference.

Claims 3, 4, 24, and 32 are rejected for similar reasons as claim 1 above. Appelman further teaches storing the compressed version of the requested file at the intermediate node (page 6, lines 17-21).

As per claims 5-7, Appelman does not explicitly disclose determining the digital signature comprises applying a hashing technique to the requested file. Hurtado

Art Unit: 2155

teaches using a hash algorithm (e.g., MD5, SHA, etc) to encrypt the file in creating a digital signature (col. 17, lines 8-18). Hence, it would have been obvious to one of ordinary skill in the art to use any of the hash algorithms to create a digital signature from a file by encrypting the file.

As per claim 8, Appelman teaches determining whether an estimated time required to directly provide the requested file to a requester node is less than an estimated time to determine if a previously compressed version of the requested file is already stored at the intermediate node (page 8, lines 18-21).

Claims 9-17, 20-21, 25-29 are rejected for similar reasons as claim 1 above.

Appelman further teaches the intermediate node comprises a caching server (page 5, lines 10-11). Appelman does not teach IP tunnel. However, it is well known in the art that encrypted data is shared between nodes in the network is known as IP tunneling as disclosed by Hurtado (col. 16, lines 56-60).

As per claims 18-19, Appelman does not explicitly disclose receiving the index of digital signatures from a provider or intermediate nodes. It is well known in the art for a database to store an index of its data for retrieval or manipulations. Hence, it would have been obvious to one of ordinary skill in the art to share the index of data among databases at different server sites for consistent data retrieval or manipulations.

Claims 33-35 are rejected for similar reasons as claim 1 above.

As per claims 36-37, Appelman teaches a computer readable medium comprises a disc or propagated signal (page 1, line 10; disc or propagated signal is inherent in a personal computer or server).

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues in substance that the rejection made under 35 USC 103 was improper because the reference relied upon was in fact a priority document.

In response, the applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

This application is claiming the benefit of prior-filed nonprovisional application No. 08/630846 under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Since the applications are not copending, the benefit claim to the prior-filed nonprovisional application is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, or the application data sheet, depending on where the

reference was originally submitted, unless applicant can establish copendency between the applications.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

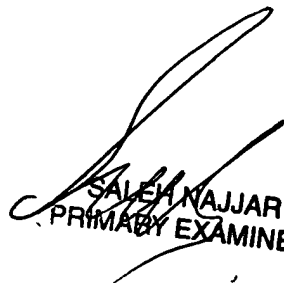
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AMN

  
SALEH NAJJAR  
PRIMARY EXAMINER